UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,596	12/28/2004	Leif Arne Jorgen Andersson	P17070-US1	9507

27045 7590 12/29/2005

ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER	
CRIBBS, MALCOLM D	
ART UNIT	**PAPER NUMBER**
2115	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/519,596	ANDERSSON ET AL.	
	Examiner	Art Unit	
	Malcolm D. Cribbs	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☒ Claim(s) *5,7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/28/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-21 are presented for examination.

Claim Objections

1. Claims 5, 7, and 8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itakura et al [US Patent No. 6,493,832] in view of Backlund et al [Publication No. US 2004/0011868].

3. As per claim 1, Itakura et al teach the invention comprising:

a first node [Col 6 lines 7-16 "encoders not shown"] connected to a plurality of end nodes by a broadband packet-switched network, whereby each node is connected to at least one end terminal [Fig 3];

each of said end nodes including:

timing generation circuitry adapted to generate an output timing signal that is phase locked to a received reference timing signal originating at said first node [Col 7 lines 15-26]; and

means for receiving data structure information from said first node and identifying a data structure format from said information for transmitting time-sensitive data between said end nodes and said end terminals [Fig 5 detection section 502 Col 6 line 53 – Col 7 line 7].

4. Itakura et al do not teach a delay generator for generating a delay in response to delay data received. Specifically, Itakura et al teach constructing a second transmitting format based on data structure format detected, phase locked output and delay data received in the header from first node. However, Itakura et al fail to detail the method of adjusting transmission based on received delay data. A routineer in the data transmission are would have been motivated to look for a teaching for a possible method of adjusting transmission based on received delay information.

5. Backlund et al teach another wireless communication system wherein a plurality of nodes [transceivers] simultaneously transmits data to a terminal node. Backlund et al

adjusts transmission by adding a delay unit to each node where the delay unit delays transmission based on the delay pulses received [Page 2 [0025] – [0027]]. In summary, Backlund et al teach the method of delaying transmission based on received delay information.

6. It would have been obvious to one of ordinary skill in the art to combine the teachings of Itakura et al and Backlund et al because they both teach a data communication system to control the transmission of data though a network. Backlund et al covers the deficiency of Itakura et al by teaching the detail of a method to adjust transmission rates based on received delay information.

7. As per claim 2, at least one intermediate node, arranged between the first node and at least one of said end nodes, including timing generation circuitry [Itakura et al Fig. 5 receiver [0031]].

8. As per claim 3, means for extracting a data transmission start time marker [Itakura et al Col 4 line 64 – Col 5 line 10].

9. As per claim 4, signal generator is arranged to adjust the timing of transmission start time marking [Itakura et al Col 4 line 64 – Col 5 line 10].

10. As per claim 5, first node is arranged to determine the maximum node transmission delay from each end node and communicate this maximum node transmission delay to all end nodes as delay information [Backlund et al Page 2 [0025] – [0027]].

11. As per claim 6, node transmission delay is the round trip delay between end node and first node [Backlund et al Page 2 [0025] – [0027]].

12. As per claim 7, means for extracting a timing reference from a received signal, means for phase locking a generated timing signal to said timing reference and means for imposing said phase locked timing signal on an output signal to generate said output timing signal [Itakura et al Col 4 line 64 – Col 5 line 10].

13. As per claim 8, it is obvious to one of ordinary skill in the art wherein the network is of various types including an Ethernet [Col 1 lines 5-14].

14. As per claims 9-14, it is directed to the method of steps to implement the system as set forth in claims 1-8. Therefore, it is rejected for the same basis as set forth hereinabove.

15. As per claims 15-21, it is directed to the node to implement the system as set forth in claims 1-8. Therefore, it is rejected for the same basis as set forth hereinabove.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Malcolm D Cribbs
Examiner
Art Unit 2115

CHUN CAO
PRIMARY EXAMINER